

REMARKS

Applicant has added new claim 35. Claims 1-35 are currently pending. Reexamination and reconsideration are respectfully requested.

Claim 33 was rejected under 35 U.S.C. 112. The Examiner stated that claim 33 contained subject matter which was not described in the specification in such a way in the specification as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention. Applicant respectfully traverses the rejection. Applicant notes that claim 33 is supported by Figs. 1(a) and 1(b) and in the specification, for example, at page 10, lines 5-17, page 12, line 28 - page 13, line 2, and page 13, lines 11-16. Figs 1(a) and 1(b) show a semiconductor device including the combination of elements in its entirety and therefore illustrates that the inventors considered this combination to be part of their invention. Accordingly, applicant respectfully requests that the rejection of claim 33 be withdrawn.

Claims 1-5, 7-9, 23 and 32 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,652,450 to Hirano in view of Takeda et al (JP 09321156). The rejection is respectfully traversed.

Hirano appears to utilize a particular structure including transistor and wells including MOSFET's 1a and 1b in an n-type well formed adjacent to cell transistors 16 in a p-type well. (see Hirano at col. 11, lines 41-67). This type of structure apparently overcomes the problem of difficulty in turning off a transistor by applying a low voltage to the gate thereof, which appears to be the rationale supplied by the Examiner to support the combination (see page 6 of the Office Action). (see Hirano at cols. 2-4, more particularly col. 3, lines 4-61). Consequently, one of ordinary skill in the art would have no motivation to make the combination suggested by the Examiner. Moreover, even if, for some reason, the combination was made, one of ordinary skill would have no motivation for forming the multi-layer well structure described in Hirano at col. 11, lines 41-67. Instead, applicant submits that one of ordinary skill in the art would utilize a well structure such as in Takeda, which does not have a multi-layer structure such as that recited in claim 1. Accordingly, applicant respectfully requests that the rejection of claim 1 be withdrawn.

Applicant respectfully submits that the rejection of dependent claims 2-5, 7-9, 23 and 32 should be withdrawn for at least the same reasons as claim 1.

With regards to claim 8, the Examiner stated that "Although Hirano or Takeda et al.'s device do not teach the exact impurity concentrations as that claimed by Applicant, the concentration differences are considered obvious design choices . . . " However, as applicant attempted to point out earlier, the Examiner has cited no portion of Hirano or Takeda that discloses any impurity concentration of any value. This, it is impossible to understand what "concentration differences" the Examiner considers to be obvious design choices when the Examiner has cited no concentrations of any sort in the prior art. Accordingly, in addition to the reasons above for claim 1, the rejection of claim 8 should also be withdrawn.

Claim 31 was rejected under 35 U.S.C. 103(a) as unpatentable over Hirano in view of Takeda and U.S. Patent No. 6,242,773 to Thomas. The rejection is respectfully traversed. Thomas does not overcome the deficiencies of the combination of Hirano and Takeda discussed above for claim 1. Thus, for at least similar reasons as claim 1, the rejection of claim 31 should be withdrawn.

Claims 10-11, 16-20, 25 and 28-30 were rejected under 35 U.S.C. 103(a) over Hirano in view of Takeda and U.S. Patent No. 5,654,577 to Nakamura et al. and U.S. Patent No. 5,650,344 to Ito et al. The rejection is respectfully traversed. Nakamura and Ito do not overcome the deficiencies of the combination of Hirano and Takeda discussed above for claim 1. Thus, for at least similar reasons as claim 1, the rejection of claims 10-11, 16-20, 25 and 28-30 should be withdrawn.

Claims 12-14 and 21 were rejected under 35 U.S.C. 103(a) over Hirano in view of Takeda and Nakamura and Ito and Thomas. The rejection is respectfully traversed. Nakamura, Ito and Thomas do not overcome the deficiencies of the combination of Hirano and Takeda discussed above for claim 1. Thus, for at least similar reasons as claim 1, the rejection of claims 12-14 and 21 should be withdrawn.

New dependent claim 35 has been added. Support for claim 35 may be found throughout the specification and in the original claims.

For at least the above reasons, applicant respectfully submits that claims 1-35 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If, for

any reason, the application is not in condition for allowance, the Examiner is requested to telephone the undersigned to discuss the steps necessary to place the application into condition for allowance.

Respectfully submitted,

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